

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), and (e)**  
**for**  
**Wednesday, April 21, 2010**  
**10:00 a.m.**  
**Sacramento, California**  
**&**  
**West Covina, California**

**TO: Members of the California Occupational Safety and Health Appeals Board**

**FROM: J. Jeffrey Mojcher, Chief Counsel**

**DATE: April 8, 2010**

**RE: Closed Session of the Board to be held on April 21, 2010**

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), and (e) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session.

---

**DECISIONS OF ADMINISTRATIVE LAW JUDGES:**

*(Written decision issued by an Administrative Law Judge. The decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the decision. The Board Members review the decision and decide if they will reconsider the ALJ decision on their own motion.)*

1. BARNHART, INC., 09-R3D1-2778
2. BOMEL CONSTRUCTION COMPANY, INC., 09-R3D1-2583
3. CITISTAFF SOLUTIONS, INC., 09-R6D2-2309
4. EPSILON ELECTRONICS, INC. DBA POWER ACOUSTIK ELECTRONICS, 09-R6D2-2325 THROUGH 2332
5. OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022
6. P.W. STEPHENS, INC., 09-R3D2-2910
7. PACIFIC SUPPLY, 08-R2D3-1581

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For April 21, 2010**  
**Page 2**

8. STEVE P. RADOS, INC., 08-R2D1-3413
9. ZAYANTE VINEYARDS, 08-R1D2-3473 AND 3474

**ORDERS OF ADMINISTRATIVE LAW JUDGES:**

*(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)*

1. A I FOODS CORPORATION, 09-R6D2-4230 THROUGH 4232
2. ACORN ENGINEERING COMPANY, 09-R3D6-2091 THROUGH 2093
3. AIRPORT AUTOMOTIVE CENTER, INC., 09-R4D1-2474
4. ALHAMBRA FOUNDRY CO. LTD, 09-R6D2-3029 THROUGH 3033
5. ARROW DIECASTING, INC., 09-R6D2-3417 THROUGH 3421
6. AT & T, 09-R1D3-0096
7. AUTO-CHLOR SYSTEM OF FRESNO, INC., 09-R4D3-4065 AND 4066
8. JAVIER BARAJAS DBA EVANS AUTO CARE CENTER, 09-R6D3-3186 AND 3187
9. BEAUDIN'S PALLET PATCH, INC., 09-R6D1-3537
10. BIG JOE CALIFORNIA NORTH, INC. DBA BIG JOE HANDLING, 08-R1D4-4572
11. BIG JOE CALIFORNIA NORTH, INC. DBA BIG JOE HANDLING, 08-R1D4-4573 AND 4574
12. CA TRANSPORTATION (CALIFORNIA DEPT. OF TRANSPORTATION), 08-R1D3-3674
13. CALIFORNIA PROFESSIONAL ENGINEERS, 10-R3D1-0659
14. CCS ENTERPRISES, 10-R3D5-0435 THROUGH 0437
15. CEJA-REYES, INC., 08-R2D1-4258 AND 4259
16. CERADYNE, INC., 09-R3D1-1040 AND 1041
17. CENTER METAL PRODUCTS, 09-R6D2-4139 THROUGH 4142

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For April 21, 2010**  
**Page 3**

18. CHANNELL COMMERCIAL CORPORATION, 09-R3D3-2218 THROUGH 2220
19. TOM & PERRY CHARTER DBA T&P FARMS, 09-R2D1-0803
20. COMMERCIAL SHEET METAL, INC. DBA CSM METALS, 09-R6D2-1925 THROUGH 1929
21. COVANTA STANISLAUS, INC., 09-R2D4-0077 THROUGH 0079
22. CSS FARMS, 09-R2D5-0121 AND 0122
23. CST ENVIRONMENTAL, INC., 09-R5D3-3847
24. DBA HENRY'S FARMERS MARKET #126, 09-R3D2-4281 AND 4282
25. DECCO CASTINGS, INC., 09-R6D2-1739 THROUGH 1742
26. DESCOR, INC. DBA DESCOR BUILDERS, 09-R2D1-0930 AND 0931
27. DISH NETWORK CORPORATION, 09-R3D6-2001
28. RICHARD DUDA, 09-R3D6-3942 AND 3943
29. ELECTRO CONSTRUCTION CORP., 09-R4D1-3076 AND 3077 and 09-R4D1-3270
30. ETCHEGARAY FARMS LLC, 09-R2D5-0850 AND 0851
31. FRANOCK ENTERPRISES, INC. DBA SERVICE MASTER ADVANTAGE, 09-R2D4-0559
32. GRANITE CONSTRUCTION COMPANY, 07-R5D1-3611
33. IDEAL STAFFING SERVICES, INC./TRI-STATE EMPLOYMENT, 10-R4D3-0048
34. IRISH FARMS CO., INC., 09-R4D3-3081
35. JENSEN PRECAST, 08-R2D4-2240
36. JOHNNY'S PALLET WOODWORKS, INC., 10-R6D5-0323 AND 0324
37. JONES CONCRETE & MASONRY, 09-R3D1-0440 THROUGH 0446
38. KDC SYSTEMS, INC. DBA DYNAELECTRIC, 09-R3D5-3939

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For April 21, 2010**  
**Page 4**

39. KUSTOMER KINETICS, INC., 09-R4D2-3555
40. LONG BEACH MUSEUM OF ART FOUNDATION, 10-R3D5-0220
41. MARANTHA FARM LABOR SERVICES, 09-R2D5-4203
42. JESUS NUNEZ DBA SUNWEST MANAGEMENT COMPANY, 09-R6D5-2604
43. OHANA PARTNERS DBA THE STUART RENTAL CO., 08-R1D2-4609 AND 4610
44. PACIFIC OROVILLE POWER, INC., 08-R2D1-4510 AND 4511
45. PEREZ EQUIPMENT REPAIR LLC, 09-R4D2-2248 and 09-R4D2-2272
46. PERFORMANCE MECHANICAL, INC., 09-R6D3-0889
47. RELIANCE UPHOLSTERY SUPPLY DBA RELIANCE CARPET CUSHION, 09-R4D2-3142 AND 3143
48. RIM CORPORATION DBA COURTYARD MARRIOTT, 09-R2D4-0770
49. ARTURO RODRIGUEZ, 08-R6D5-3817
50. ROOF'N-IT, INC., 09-R4D2-2899
51. ROTATING PRECISION MECHANISMS, 09-R4D3-2303 THROUGH 2306
52. ROYAL TRUCK BODIES, INC., 08-R4D4-3750 AND 3751
53. SAL CONCHA PAINTING, 09-R3D2-2842 AND 2843
54. SCOTTS TEMECULA OPERATIONS LLC, 09-R3D3-3587 AND 3588
55. SINICROPE & SONS, INC., 09-R6D2-2558
56. SMITH & HAWKEN, 09-R2D1-2289
57. SOUTHERN CALIFORNIA EDISON CO., 09-R4D3-2517 AND 2518
58. VALLARTA SUPERMARKETS, INC., 09-R4D3-3618 THROUGH 3620
59. VISIONS PAINTING, INC., 09-R2D1-0767
60. WAL-MART STORES, INC., 09-R4D5-2808

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For April 21, 2010**  
**Page 5**

61. WEAR TECH INTL., INC., 09-R3D6-2090

62. WEST COAST AEROSPACE, INC., 09-R4D2-3595 AND 3596

**ORDERS DISMISSING APPEALS:**

1. LANCE ROOF INSPECTION SERVICE, 08-R1D4-3430
2. PERALTA COMMUNITY COLLEGE DISTRICT, 08-R1D4-2474
3. SANG INTERNATIONAL, INC. DBA BEST AUTO BODY, 09-R6D5-1763 THROUGH 1765
4. THOMAS & ASSOCIATES MFG., INC., 09-R3D3-0013 AND 0014

**ORDERS DISMISSING LATE APPEALS:**

1. FOREVER 21 RETAIL, INC., 10-R3D1-9088
2. SEEN U B4 PALLETS, 10-R6D5-9066

**ORDERS DENYING LEAVE TO FILE LATE APPEALS:**

1. ISIDRO GARCIA DBA EL RINCON BODY & PAINT SHOP, 10-R6D5-9065
2. GKN AEROSPACE TRANSPARENCY SYSTEMS, INC., 10-R3D1-9087
3. HECTOR'S PALLETS, INC., 10-R6D5-9090

**ORDER DENYING LATE APPEAL:**

1. FRESNO PRODUCE CO., INC., 10-R6D1-9064

**ORDER GRANTING LATE APPEAL:**

1. SCOTT C. SHELLY DBA SCOTT C. SHELLY CONSTRUCTION, 10-R6D7-0766

**ORDERS DENYING-DISMISSING LATE APPEAL:**

1. 13 SUN DBA YUNG'S BEAT SHOP, 10-R2D1-9089
2. DEL RIO WEST PALLET COMPANY, 10-R6D7-9076

**ORDERS OF REMAND:**

1. CA CORRECTION, 08-R2D5-0975 THROUGH 0978

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For April 21, 2010**  
**Page 6**

2. LA MINA CANTINA, 09-R2D5-0039

**ORDER TO SHOW CAUSE WHY SANCTIONS SHOULD NOT BE IMPOSED:**

1. JA HILL CORPORATION, 08-R4D4-1915

**ORDER AFTER REMAND:**

1. ACTIVE TECHNOLOGIES GROUP, 08-R3D5-3745 AND 3746

**PETITIONS FOR RECONSIDERATION:**

1. GAYLE MANUFACTURING CO., INC., 07-R2D1-3104
2. PERFORMANCE CONTRACTING GROUP, INC. DBA PERFORMANCE CONTRACTING, INC., 08-R2D1-0025 AND 0026
3. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
4. SOLARIS PAPER, INC., 09-R3D6-2156
5. JOHN O. WHITE, 09-R6D5-1695 AND 1696

**DENIALS OF PETITIONS FOR RECONSIDERATION (DRAFTS):**

1. GARY BURTON DBA GARY BURTON, 08-R2D3-4004
2. SOLARIS PAPER, INC., 09-R3D6-2156
3. STATE ROOFING SYSTEMS, INC., 08-R1D5-0275 AND 0276

**DECISIONS AFTER RECONSIDERATION (DRAFTS):**

*(If the Appeals Board grants a petition for reconsideration it reviews the facts of the appeal and then issues a decision after reconsideration upholding, reversing or modifying the underlying ALJ decision.)*

1. A & C LANDSCAPING, INC. aka A & C CONSTRUCTION, INC., 03-R4D4-4791
2. AARON METALS COMPANY, INC., 09-R1D4-2137 AND 2138
3. AC FRAMERS INC., 03-R2D3-3475
4. AC TRANSIT, 08-R1D4-0135
5. ADVANCE DISPOSAL CO. & RECYCLING CENTER DBA BESTWAY DISPOSAL, 09-R3D3-9212

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For April 21, 2010**  
**Page 7**

6. AGWOOD MILL & LUMBER, INC., 08-R1D5-1068
7. VERNON MELVIN ANTONSEN & COLLEEN K. ANTONSEN, INDIVIDUALLY  
DBA ANTONSEN CONSTRUCTION, 06-R2D3-1272
8. ANNING-JOHNSON COMPANY, 06-R1D3-1976
9. AVESON EDUCATIONAL COOPERATIVE, 09-R4D2-0337
10. BART, 03-R1D1-5170
11. BIMBO BAKERIES USA, 03-R1D3-5215 THROUGH 5217
12. BIMBO BAKERIES USA, 05-R6D2-856 AND 857
13. BLF, INC. dba LARRABURE FRAMING, 03-R4D3-4428 AND 4429
14. BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445
15. BURTON L. SILVA FARMS, 09-R1D2-1498
16. C & M FINE PACK, INC. 07-R6D2-4149 THROUGH 4155
17. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
18. CA CORRECTIONS, 08-R2D5-0975 THROUGH 0978
19. CA RASMUSSEN, INC., 08-R4D5-219 AND 220
20. CALDWELL-ROLAND ROOFING, INC., 03-R1D4-2905
21. CELTIC SCAFFOLDING, INC., 08-R1D1-1469 THROUGH 1471
22. PEN CHANG, 08-R2D4-3102
23. CLINE CELLARS, INC., 08-R1D5-2946
24. CJI PROCESS SYSTEMS, 09-R6D2-1333 THROUGH 1336
25. CNL ROOFING COMPANY, 08-R1D2-1692 AND 1693
26. COMMERCIAL METAL FORMING, 09-R3D1-1592
27. CORE GENERAL CONTRACTOR, INC. DBA CORE BUILDERS, 08-R1D2-1379

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For April 21, 2010**  
**Page 8**

28. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
29. DAKOTA COMPANIES UNLIMITED, 05-R4D3-392 AND 393
30. DAVIS BROTHERS FRAMING, INC., 03-R3D1-114
31. DESIGN BUILDERS, INC., 08-R4D4-1901
32. JOAQUIN DUARTE DBA PROFESSIONAL TREE SERVICE, 09-R3D3-1111
33. DUKE PACIFIC, INC., 06-R3D3-5175 THROUGH 5177
34. DUKE PACIFIC, INC., 08-R3D3-574
35. JOAQUIN DUARTE DBA PROFESSIONAL TREE SERVICE, 09-R3D3-1111
36. DUININCK BROS., INC., 06-R4D3-2871
37. DYNALECTRIC, 03-R1D1-4101
38. E. C. U., INC., 09-R3D5-1094 AND 1095
39. ESTENSON LOGISTICS LLC 05-R1D4-1755 AND 1756
40. ETTER & SON CONSTRUCTION, INC., 03-R1D5-3131
41. EZ MIX, INC., 08-R4D3-1898
42. FORKLIFT SALES OF SACRAMENTO, INC., 05-R2D1-3477
43. FORTUNA IRON WORKS 06-R2D3-4222
44. FREAS PLASTERING CO., INC., 08-R1D1-1188 AND 09-R1D1-2568
45. G.T. ALDERMAN, INC., 05-R4D3-3513
46. GENERAL TRUSS CO. INC., 06-R2D1-783 AND 784
47. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
48. GLASS PAK, 03-R2D2-750 AND 751
49. GOLDEN WEST INDUSTRIES, INC., 08-R3D2-3930
50. GRISWOLD INDUSTRIES, 09-R6D2-0981 THROUGH 0984



**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For April 21, 2010**  
**Page 9**

51. HAMMOND POWER SOLUTIONS, INC., 09-R4D2-1124 AND 1125
52. HARBOR ORNAMENTAL, INC., 09-R3D5-2086
53. HB PARKCO, 07-R4D2-1730 AND 1731
54. HELPMATES STAFFING SERVICES, 05-R3D3-2239
55. HELM & SONS, INC., DBA HELM & SONS AMUSEMENTS, 08-R3D3-3513
56. JOSE HERNANDEZ DBA SUPER SPORT BODY & PAINT, 10-R6D5-9061
57. THE HERRICK CORP., 07-R3D1-495
58. HUSSMAN CORPORATION, 03-R3D1-2939
59. INDUSTRIAL MASONRY, INC., 07-R3D2-735 AND 736
60. INTERNATIONAL ALUMINUM CORPORATION, 09-R6D2-1185
61. IRWIN INDUSTRIES, INC., 08-R6D4-1454 THROUGH 1456
62. JENSEN PRECAST, 05-R2D1-2377
63. JOHN LAING HOMES, 04-R3D1-194 AND 195
64. JOHN M. FRANK CONSTRUCTION, 06-R4D3-968
65. JT WINDOWS, INC., 09-R6D2-0693 THROUGH 0698
66. KELLY SERVICES, INC., 06-R1D2-1024
67. KENNY-SHEA-TRAYLOR-FRONTIER/KEMPER, JV, 03-R5D2-323
68. KINDER MORGAN ENERGY PARTNERS, LP., 05-R5D1-2013 AND 2014
69. LA MINA CANTINA, 09-R2D5-0039
70. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
71. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THRUOUGH 1714
72. LOS ANGELES, CITY OF, FIRE DEPARTMENT, 03-R2D5-3960
73. LOS ANGELES, CITY OF, HOUSING AUTHORITY, (HACLA), 05-R4D2-2541

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For April 21, 2010**  
**Page 10**

- 74. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
- 75. MARINE TERMINALS, 08-08-R6D2-1920
- 76. MELMARC PRODUCTS, INC., 09-R3D1-2878
- 77. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274
- 78. NEWMAN FLANGE & FITTING COMPANY, 07-R2D4-2581 THROUGH 2583
- 79. NIBBI BROTHERS ASSOCIATES, INC., 07-R1D1-2494
- 80. O & M INDUSTRIES, 04-R1D5-1597
- 81. PARKER-HANNIFIN CORPORATION, 08-R2D4-2508
- 82. POUK & STEINLE, INC., 03-R4D2-1495 AND 1496
- 83. POWER FREIGHT SYSTEMS, 06-R1D4-3347
- 84. PUSD ALEXANDER HAMILTON ELEMENTARY SCHOOL, 09-R4D2-0784
- 85. R.A. CAMPBELL, INC., 09-R6D2-1209 THROUGH 1211
- 86. R & L BROSAMER, INC., 03-R1D5-4832
- 87. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
- 88. SAN FRANCISCO FIRE DEPARTMENT, 09-R1D1-0655
- 89. SANTA PAULA HARVESTING, 09-R4D3-0510 THROUGH 0514
- 90. SANTA ROSA CITY TRANSIT AND PARKING DEPARTMENT, 05-R1D5-1417
- 91. SELECT REMEDY, 08-R2D5-0048 THROUGH 0050
- 92. STACY & WITBECK, INC., 05-R1D1-1142
- 93. STENDERUP AG PARTNERS, 09-R6D2-2111 AND 2112
- 94. STRUCTURAL SHOTCRETE SYSTEM, 03-R4D3-986
- 95. SUNOPTA FRUIT GROUP, 09-R3D1-9245
- 96. TEICHERT & SON, INC., A CORPORATION DBA TEICHERT  
AGGREGATES, 04-R5D2-850 AND 851

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For April 21, 2010**  
**Page 11**

- 97. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 05-R2D4-2650 AND 2651
- 98. TEICHERT AGGREGATES, 04-R5D1-2982
- 99. UKIAH FORD-LINCOLN-MERCURY, INC., 06-R1D5-2256 AND 2557
- 100. UNITED PARCEL SERVICE, 07-R3D3-3322
- 101. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095
- 102. WESTCOAST COMMUNICATION, 05-R2D3-2801 AND 2802
- 103. WINCHESTER CONSTRUCTION, 08-R4D3-4709 AND 4710
- 104. WINDMILL PROPANE, 08-R2D5-1217 AND 1218
- 105. Z PIZZA CORPORATION, 10-R4D1-9048

**PENDING LITIGATION:**

*(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)*

**SUPERIOR COURT:**

- 1. HARRIS CONSTRUCTION COMPANY, INC., 07CS00518 (02-3914)
- 2. JERLANE v DIVISION OF OCCUPATIONAL SAFETY & HEALTH, 37-2007-00056381-CU-WM-NC (01-4344/4345)
- 3. JERLANE V DIVISION OF OCCUPATIONAL SAFETY AND HEALTH, 37-2009-00059323-CU-WM-NC (08-1733)
- 4. E.L. YEAGER CONSTRUCTION COMPANY, INC. (DOSH v OSHAB), 34-2007-00882192-CU-WM-GDS, (01-3261)
- 5. BRUTOCO ENGINEERING & CONSTRUCTION, INC., 30-2007 00100159 (07-9223)
- 6. MCI WORLDCOM, 34-2008-00006043-CU-WM-GDS (00-440)
- 7. SHIMMICK CONSTRUCTION CO., 34-2008-80000121-CU-WM-GDS (06-1136)

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For April 21, 2010**  
**Page 12**

8. UNITED AIRLINES (SFO), 34-2009-80000256
9. XL CONSTRUCTION, SUPERIOR COURT (34-2009-80000300), 08-R1D2-1191 THROUGH 1193
10. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
11. WEBCOR CONSTRUCTION LP dba WEBCOR BUILDERS, 34-2009-80000384 (08-R1D2-2499 AND 2500)
12. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030 through 3032)
13. WPCS INTERNATIONAL SUISUN CITY, INC., 34-2010-80000430 (09-R1D3-9280 AND 9281)
14. JC CONSTRUCTION, BS124990 (09-9265)

**PERSONNEL:**

*(Issues regarding staff.)*

Any matter not completed at this Closed Session may be continued to subsequent meetings.